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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,478	02/11/2000	Kira Sterling Attwood	RSW9-99-129	5209
25259	7590	10/04/2003	EXAMINER	
IBM CORPORATION 3039 CORNWALLIS RD. DEPT. T81 / B503, PO BOX 12195 REASEARCH TRIANGLE PARK, NC 27709			HO, THOMAS M	
			ART UNIT	PAPER NUMBER
			2134	6
DATE MAILED: 10/04/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/502,478

Applicant(s)

ATTWOOD ET AL.

Examiner

Thomas M Ho

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 2/11/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-16 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-7, 9-11, 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chuah.

In reference to claim 1:

(Chuah column 37, lines 35-41) discloses a method of preventing a flooding attack on a network server in which a large number of requests are received for connection to a port number on the server, comprising:

- Determining, in response to a request from a host for a connection to a port number on the server, if the number of connections to the port assigned to the host exceeds a prescribed threshold, and if so, denying the request for a connection, where in

Chuah the decision to admit a new user is determined based on checking if the current total associated users is less than the threshold, M.

In reference to claim 2:

(Chuah column 37, lines 41-55 and figure 19) discloses the method of claim 1 in which denying the request further comprises:

- Overriding the denial and allowing the request if a quality of service parameter pertaining to the requesting host permits the override, where in Chuah, the denial where $(k \leq M)$ is false, is circumvented, by disconnecting a lower priority connection.

In reference to claim 3:

(Chuah, column 38, lines 4-14) discloses the method of claim 2 wherein a connection request is denied in any event if the number of available connections to the port are less than a constrained threshold.

Chuah reveals the connection is denied in any event when the total number of admitted hosts is not less than the maximum number of total connections and there are no available hosts of a lower priority to disconnect.

The condition "the request is denied in any event if the number of available connections to the port are less than a constrained threshold" is inherent to Chuah's disclosure, where the connection is denied when the total number of admitted hosts is not less than the maximum number of total connections,

Claims 5-7 are rejected for the same reasons as claims 1-3, respectively.

Claims 9-11 are rejected for the same reasons as claims 1-3 respectively.

Claims 13-15 are rejected for the same reasons as claims 1-3 respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,8,12,16 rejected under 35 U.S.C. 103(a) as being unpatentable over Chuah.

In reference to claim 4:

Chuah discloses the methods of claims 1, 2, and 3.

Chuah fails to disclose calculating the prescribed threshold by multiplying a percentage P by the number of available connections remaining for the port as used for claims 1, 2, and 3.

The examiner takes official notice that it is well known in the art to express a threshold or boundary as a fractional value such as a ratio or percentage, especially in boundaries involving connections and traffic, such as the one disclosed by (Chuah column 35, lines 21-23)

Additionally, it is well known that to check whether a quantity remained in a fractional boundary such as a ratio or percentage, one can multiply the ratio or percentage by the total permissible value and compare it to the value in question. A benefit of this is that the boundary may be dynamically computed rather than remain a fixed value which may not be accurate in all circumstances.

It would have been obvious to one of ordinary skill in the art at the time of invention to calculate the connection admission threshold in claims 1, 2, and 3, by multiplying a percentage P by the number of available connections remaining for the port, given the benefit of establishing a threshold using a ratio or percentage, (which may be dynamically computed) rather than using a fixed value threshold.

Claims 8,12, and 16 are rejected for the same reasons as claim 4.

Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M Ho whose telephone number is (703)305-8029. The examiner can normally be reached on M-F from 8:30am – 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached at (703)308-4789. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-5484.

TMH

September 30th, 2003


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100